# UNITED STATES PATENT AND TRADEMARK OFFICE

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| EXAMINER |
|---|
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DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>03 December 2004</u>.

2a) ☒ This action is **FINAL**.           2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *15 October 2004* is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)./Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## *Detailed Action*

## *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-8, 9-14, and 19 are rejected under 35 USC 102(e) as being anticipated

by Ruslan Belkin   (US Patent 6604125).

1.    Claim 1:  Belkin teaches a method for the client communicating to a web server

using the HTTP protocol (Belkin, col. 4, l. 31-33), and the web sever

comprises a request processing mechanism to perform the initialization

mechanism (Belkin, col.5, l.19-21), if the request is for CGI initialization.

Belkin also teaches the system includes a communication interface

provides a two-way data communication connected to the local network

and client (Belkin, col. 18, l.45-47). Belkin also teaches the thread

detachment performed by CGI when the request complete or client can

send the service request for termination (Belkin, fig. 1, col. 8, l. 1-

4, col.16, l.30-31).

2.    Regarding claim 2, Belkin further discloses executing operations includes

receiving and processing data from the client. (Belkin, col. 5, l. 45-48).

3.      Regarding claim 3, Belkin further discloses the data is compliant with the

HTTP protocol or a protocol other than HTTP. (Belkin, col. 4, l. 32-34).

4.      Regarding claim 4, Belkin further discloses executing operations includes

creating and communicating data from the CGI to the client. (Belkin,

col. 5, l. 45-47).

5.      Regarding claim 5, Belkin further discloses the data is compliant with HTTP

Protocol or a protocol other than HTTP from the CGI to the client (Belkin,

Fig. 1, col. 4, l.32-34).

6.      Regarding claim 6, Belkin further discloses the client side logic configured

To perform the two-way asynchronous communication with the CGI. (Belkin,

col. 18, l.45-46).

7.      Regarding claims 9-14 have similar limitations as claims 1-6. Therefore, they are

rejected under Belkin for the same reasons set forth in the rejection of claims 1-6.

8.      Regarding claims 19, Belkin  discloses the CGI engine invokes one or

more CGI applications (Belkin, col. 5, l. 49). Belkin also further discloses

the term applications is used broadly refer to any type of program or routine (e.g.

Java  servlet)  (Belkin, col.4, l.48-49 ). Therefore CGI is a servlet.

9.      Regarding claim 20 and 21 have similar limitations as claims 1 and 9. Therefore,

they are rejected under Belkin  for the same reasons set forth in the

rejection of claims 1 and 9.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.     Claims 7-8, 15-18 are rejected under  35 U.S.C 103(a) as being

unpatentable over Belkin in view of Reisman (US Patent 6611862).

Regarding claims 7 and 8, Belkin differs from the claimed invention in that  it does

not explicitly indicate the client side logic is pre-installed on the client side, instead

"with reference to a web server, but it is not so limited (to server). Rather, ...

implemented in any type of server or 'computer system' in which it is mutl-

threading" (Belkin, col. 4, l.21-25).  The term "logic" is descried as follows:

"In programming, the assertions, assumptions, and operations that define what

a given program does" – from Microsoft Computer Dictionary.

Reisman teaches a device similar to that of Belkin's and indicates that "major

modules  components are a user interface, .. additionally, components have

its own pre-installed logic -  application programming interface (API).

(Reisman, col.9,  l.19-26, col. 54, l.23-29).

With the client/server architecture, Belkin's multi-thread system is not being

limited on the server side, it also apply to the client side and allows the

pre-installed API (logic) on the client side.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Belkin's multi-thread computer system with

Reisman' system for pre-installed API logic on the client side.

Regarding claims 8, Belkin differs from the claimed invention in that it does

not explicitly indicate the client side logic is dynamically delivered to the client

side, instead referring multi-thread to the computer system from the web server.

Reisman teaches the tools have utility at the user's station

can be located at the web server accessible to users by dial-up connection, and

the web server can be provided with facilities dynamically delivered to the client

(Reisman, col. 51, l. 39-52).

Because both Belkin's and Reisman's system are implemented the client/server

architecture it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Belkin's server system with

Reisman' system for dynamically delivering to the client from servers.

Regarding claims 17, Belkin teaches the web server servlet but not specifically

teaches the Java applet. Reisman teaches the user workstation applications

and further teaches the client-side logic is delivered in the form of a Java applet.

(Reisman, col. 54, l. 4-10). Since both system are implemented under client/server

(applet/servlet) architecture, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine Belkin's multi-thread

computer system with client/server architecture that Belkin system has already

addressed.

Regarding claims 18, Belkin teaches how to process user requests but not

teaches the multimedia specifically.

Reisman teaches the client-side multimedia applications and can be delivered

in the form of movie. (Reisman, col 31, l. 32-44). With the client/server

environment, the application that have implemented on client side using applet

should have the similar logic for servlet to implement on the server side for the

same application vice versa. It would have been obvious to one of ordinary skill in

art at the time the invention was made to combine the teachings of Reisman

multimedia application with Belkin's web server multi-thread user request for

multimedia application at client side.

11.    Regarding claim 15 and 16 have similar limitations as claims 7 and 8. Therefore,

they are rejected under Belkin and Reisman for the same reasons set forth in the

rejection of claims 7 and 8.

### *Response to Arguments*

12. Application's arguments with respect to claims 1-21 with new amendments, which changed from "by the client or the CGI" to " by the client", have been considered but are moot in view of the new ground(s) of rejection. Regarding claims 1 and 9, Applicant argues Belkin fails to teach "the operations associated with the CGI, wherein the operations are configured to perform the two-way asynchronous communication with the client until terminated by the client". Examiner contends Belkin discloses the server receives request from the client (Belkin, col.4, l.42-44), performs the two-way asynchronous communication with the client, and a set of code is executed to carry out the functions needed to satisfy the request (Belkin, col.3, l.32-34), in addition, if the request is a request to finalize a transaction (Belkin, col.16, l.30-31). To finalize a transaction means the transaction terminated by the client. According to American Heritage College Dictionary, both finalize and terminate have the same definition as conclude. In addition, claim 20 and 21 have similar limitations as claims 1 and 9. Therefore, they are rejected under Belkin for the same reasons set forth in the rejection of claims 1 and 9.

Claims 7-8 depend indirectly from claim 1, therefore, claims 7-8 are rejected. Similarly, claims 15-18 depend indirectly from claim 9, therefore, claims 15-18 are rejected.

In summary, all the Belkin statements mentioned above teach that the client has the capability to request the termination. Therefore, claims 1-21 are rejected under Belkin and Reisman.

## *Conclusion*

Application's amendment necessitated the new ground(s) of rejection presented in this Office action, Accordingly, **THIS ACTION IS MADE FINAL.** See MEPE 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this inal action is set to expire THREE MONTHS from the mailing date of this action. In the event a first replay is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 703-605-1726. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER